THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 4th day of April,2007

W.P.No.9652 of 1998

Between:-

N.V. Ramana Murthy … Petitioner

and

The Director of Sugar & Cane
Commissioner, Govt.of A.P.,
M.J. Road, Hyderabad and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9652 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to regularize the services of the petitioner as Stenographer in the 3rd respondent-Organization in the light of the qualifications possessed by him, with all consequential and attendant benefits.

According to the petitioner, he was appointed as P.A. to the Chairman of the 3rd respondent-organization on 15-6-1983. He has been continuing on daily wage basis for the last 15 years (as on the date of filing Writ Petition) and according to the learned counsel for the petitioner, the petitioner is still continuing as such. Petitioner is fully qualified to hold the post of Stenographer in the respondent-organization and he is entitled for regularization of his services and putting on regular pay scale as per G.O.Ms.No.212, dated 22-4-1994, since he had completed five years of service as on the date of issuance of the said G.O. However, in spite of repeated requests, his case was not considered. Therefore, this Writ Petition.

A detailed counter affidavit has been filed by respondents 1 and 2 denying the allegations made by the petitioner. Respondent No.3 filed a separate counter, wherein it is admitted that the petitioner was engaged as a daily wage employee and posted in Accounts Section. Subsequently, he was paid consolidated wage of Rs.420/- per month. It appears, he is getting Rs.2100/- per month (as on the date of filing

the counter). Initially, he was not selected by the selection committee constituted by the Director of Sugars, Andhra Pradesh, Hyderabad. His employment is purely casual in nature. His services cannot be regularized, unless and until he appears for written test and interview conducted by the selection committee as per the Circular issued by the organization. It is also stated that applications were invited for filling up of the post of P.A. to the Chairman vide advertisement published in 'Udayam' daily on 13-2-1995. The selection committee has not considered all the applications applied to the post of P.A. to Chairman; therefore, nobody was appointed. Respondent No.3 is empowered to recruit any person on regular basis, only after having selected by the selection committee constituted for the said purpose. Further, the 2nd respondent imposed ban on recruitment in cooperative sugar factories vide G.O.Ms.No.367, dated 29-10-1993. Thereafter, G.O.Ms.No.212, dated 22-4-1994 was issued for absorbing the existing daily wage/consolidated employees in the existing vacancies. In pursuance of the said G.Os., the 3rd respondent submitted a list of eligible candidates to the 1st respondent vide letter dated 6-7-1994. The matter of absorbing daily wagers into the existing vacancies is under consideration by the Government of Andhra Pradesh. The case of the petitioner for regularization will be taken up only after selection by the selection committee or by way of obtaining orders from the State Government and Commissioner of Sugars in accordance with G.O.Ms.No.212, dated 22-4-1994. The case of the petitioner will be considered suitably by the selection committee along with others as per the procedure stipulated. The subject matter is already pending for disposal before the Government as per G.O.Ms.No.212, dated 22-4-1994; therefore, the services of the petitioner could not be regularized as of now.

The counter was filed by the 3rd respondent in the month of August,1998. What transpired between 1998 and till date is not forthcoming. As seen from the averments in the counter of the 3rd respondent, the petitioner is being continued as of now and his case will be considered as per G.O.Ms.No.212, dated 22-4-1994 after obtaining suitable orders from the 1st respondent. Therefore, the respondents are directed to consider the case of the petitioner for regularization of his services as per G.O.Ms.No.212, dated 22-4-1994, within a period of eight(8) weeks from the date of receipt of a copy of this order, if not already considered.

With the above direction, the Writ Petition is disposed of. No order as to costs.

04-4-2007

prk